



भारत का यजपत्र

The Gazette of India

११/८६

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राप्तिकार ते प्रकाशित

PUBLISHED BY AUTHORITY

सं. 55] नई दिल्ली, भगलवार, अक्टूबर 7, 1986/आश्विन 15, 1908 (साका)
No. 55] NEW DELHI, TUESDAY, OCTOBER 7, 1986/ASVINA 15, 1908 (SAKA)

इस भाग में खिल पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के लिए इस भाग में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 7th October, 1986/Asvina 15, 1908 (Saka)

THE COAL MINES NATIONALISATION LAWS
(AMENDMENT) ORDINANCE, 1986

NO. 7 OF 1986

Promulgated by the President in the Thirty-seventh Year of the
Republic of India.

An Ordinance further to amend the Coking Coal Mines (Nationalisation) Act, 1972 and the Coal Mines (Nationalisation) Act, 1973.

WHEREAS Parliament is not in session and the President is satisfied
that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Coal Mines Nationalisation Laws (Amendment) Ordinance, 1986.

Short title
and com-
mencement,

(2) Save as otherwise expressly provided, the amendments to the Coking Coal Mines (Nationalisation) Act, 1972 shall be deemed to have come ^{36 of 1972.} into force on the 1st day of May, 1972, and the amendments to the Coal Mines (Nationalisation) Act, 1973, shall be deemed to have come into ^{26 of 1973.} force on the 1st day of May, 1973, and the remaining provisions of this Ordinance shall come into force at once.

Amend-
ment of
section 4.

2. (1) In section 4 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking Coal Act), sub-section (2) ^{36 of 1972.} shall be omitted and shall be deemed to have been omitted with effect from the 29th day of April, 1976.

(2) The omission of sub-section (2) of section 4 of the Coking Coal Act by sub-section (1) of this section shall not affect the previous operation of the provisions of the said sub-section (2) or anything duly done or suffered thereunder.

Amend-
ment of
section 6.

3. In section 6 of the Coking Coal Act,—

(a) in sub-section (1),—

(i) for the words "as if a mining lease", the words "as ~~for~~^{as} a fresh mining lease" shall be substituted;

(ii) for the words "being the entire period", the words "shall be the maximum period" shall be substituted;

(b) in sub-section (2), the words ", on the same terms and conditions on which the lease was held on the appointed day," shall be omitted.

Amend-
ment of
section 10.

4. Section 10 of the Coking Coal Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the First Schedule against any coking coal mine or group of coking coal mines specified in the second column of the said Schedule and required to be given by the Central Government to its owner under sub-section (1) shall be deemed to include, and deemed always to have included, the amounts required to be paid to such owner in respect of the stock of coal or other assets referred to in clause (j) of section 3 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coal or other assets.".

Substitu-
tion of
new sec-
tion for
section 17.

5. For section 17 of the Coking Coal Act, the following section shall be substituted, namely:—

Liability
of officer

"17. Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the ^{14 of 1947.}

services of any officer or other employee employed in a coking coal mine or coke oven plant shall be liable to be transferred to any other coking coal mine or coke oven plant and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.”.

or other
employee
of a
coking
coal
mine or
coke oven
plant for
transfer
to any
other
coking coal
mine or
coke oven
plant.

6. In section 21 of the Coking Coal Act, in sub-section (2), the words, figures and letters “and simple interest at the rate of four per cent. per annum on such amount shall also be payable by the Central Government to the said owner for the period commencing on the 1st day of May, 1972 and ending on the date of payment of such amount to the Commissioner” shall be inserted at the end.

Amend-
ment of
section 21.

7. In section 22 of the Coking Coal Act,—

Amend-
ment of
section 22.

(a) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The liabilities of the coking coal mine or the coke oven plant (not being liabilities arising out of advances made by the Central Government or Government company), which could not be discharged by the appointed day, may be discharged by the Central Government or the Government company up to the specified date out of the realisations effected before or after the appointed day or out of advances or borrowings made after the specified date and every payment so made shall be included in the statement of accounts as on the date immediately before the appointed day indicating therein the period in relation to which the payments were made and the payments so made shall not be called in question in any court:

Provided that the liabilities in relation to the period prior to the appointed day which have not been discharged on or before the specified date, shall be the liabilities of the owner of the coking coal mine or the coke oven plant, as the case may be.”;

(b) after sub-section (7), the following sub-section and *Explanation* shall be inserted, namely:—

‘(8) The statement of accounts audited under sub-section (6) shall, unless the contrary is proved, be conclusive proof in respect of every matter entered therein.

Explanation.—For the purposes of this section, “statement of accounts” means a statement in the form of receipts and payments, and does not include any statement that may be

prepared as a result of the closing and balancing of the books for the preparation of the profit and loss account and balance sheet or any statement prepared in accordance with normal commercial practice.'

Substitution of new section for section 25.

Recovery of excess payments made by the Central Government or Custodian.

8. For section 25 of the Coking Coal Act, the following section shall be substituted, namely:—

'25. Any amount in excess of payments over receipts in the statement of accounts prepared under section 22 shall be deemed to be an amount advanced by the Central Government or the Custodian, as the case may be, for the management of a coking coal mine or coke oven plant during the period in which the management of such mine or plant remained vested in the Central Government and the Central Government may make a claim to the Commissioner for such excess payment and such claim shall have priority over the claims of all other unsecured creditors of the coking coal mine or coke oven plant.

Explanation.—In this section, "Custodian" means the Custodian appointed under the Coking Coal Mines (Emergency Provisions) Act, 1971.'

64 of 1971.

Amend-
ment of
section 26.

9. In section 26 of the Coking Coal Act, after sub-section (2) and before the *Explanation*, the following sub-section shall be inserted, namely:—

"(3) Where the amount specified in the fifth column of the First Schedule is relatable to a group of coking coal mines, the Commissioner shall apportion such amount among the owners of such group, and in making such apportionment, the Commissioner shall have regard to the highest annual production in the coking coal mine during the three years immediately preceding the appointed day".

Amend-
ment of
section 3.

10. (1) In section 3 of the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the Coal Mines Act),—

(a) sub-section (2) shall be omitted and shall be deemed to have been omitted with effect from the 29th day of April, 1976;

(b) in sub-section (4), the words, brackets and figures ", notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973," shall be omitted;

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) If, after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of coal mine included in the Schedule or the name and address of the owner of any such coal mine

it may, by notification, correct such error, omission or misdescription and on the issue of such notification, the relevant entries in the Schedule shall be, and shall be deemed to have always been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coal mine shall be made where such ownership is in dispute.”.

(2) The omission of sub-section (2) of section 3 of the Coal Mines Act by clause (a) of sub-section (1) of this section shall not affect the previous operation of the provisions of the said sub-section (2) or anything duly done or suffered thereunder.

11. In section 4 of the Coal Mines Act,—

Amend-
ment of
section 4.

(a) in sub-section (1),—

(i) for the words “as if a mining lease”, the words “as if a fresh mining lease” shall be substituted;

(ii) for the words “the entire period”, the words “the maximum period” shall be substituted;

(b) in sub-section (2), the words“, on the same terms and conditions on which the lease was held, immediately before the appointed day,” shall be omitted.

12. Section 8 of the Coal Mines Act shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Amend-
ment of
section 8.

“(2) For the removal of doubts, it is hereby declared that the amount specified in the fifth column of the Schedule against any coal mine or group of coal mines specified in the second column of the Schedule and required to be given by the Central Government to its owner under sub-section (1) shall be deemed to include, and deemed always to have included, any amount required to be paid to such owner in respect of the stock of coal or other assets referred to in clause (h) of section 2 on the date immediately before the appointed day and no further amount shall be payable to the owner in respect of such coal or other assets.”.

13. For section 14 of the Coal Mines Act, the following section shall be substituted, namely:—

Substitu-
tion of new
section for
section 14.

14 of 1947.

“14. Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the services of any officer or other employee employed in a coal mine shall be liable to be transferred to any other coal mine and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.”.

Liability
of officer
or other
employee
of a coal
mine for
transfer
to any
other
coal
mine.

Amend-
ment of
section 18.

14. In section 18 of the Coal Mines Act, in sub-section (2), the words, figures and letters "and simple interest at the rate of four per cent. per annum on such amount shall also be payable by the Central Government to the said owner for the period commencing on the 1st day of May, 1973 and ending on the date of payment of such amount to the Commissioner" shall be inserted at the end.

Amend-
ment of
section 19.

15. In section 19 of the Coal Mines Act,—

(a) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The liabilities of the coal mine (not being liabilities arising out of advances made by the Central Government or the Government company), which could not be discharged by the appointed day, may be discharged by the Central Government or the Government company up to the specified date out of the realisations affected before or after the appointed day or out of advances or borrowings made after the specified date and every payment so made shall be included in the statement of accounts as on the date immediately before the appointed day indicating therein the period in relation to which the payments were made and the payments so made shall not be called in question in any court:

Provided that the liabilities in relation to the period prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the owner of the coal mine.";

(b) after sub-section (7), the following sub-section and *Explanation* shall be inserted, namely:—

'(8) The statement of accounts audited under sub-section (6) shall be conclusive proof in respect of every matter entered therein unless the contrary is proved.

Explanation.—For the purposes of this section, "statement of accounts" means a statement in the form of receipts and payments, and does not include any statement that may be prepared as a result of the closing and balancing of the books for the preparation of the profit and loss account and balance sheet or any statement prepared in accordance with normal commercial practice.'

Substitu-
tion of
new sec-
tion for
section 25.

Recovery
of excess
payments
made by
the Cen-
tral Gov-
ernment or
Custo-
dian.

16. For section 25 of the Coal Mines Act, the following section shall be substituted, namely:—

'25. Any amount in excess of payments over receipts in the statement of accounts prepared under section 19 shall be deemed to be an amount advanced by the Central Government or the Custodian, as the case may be, for the management of a coal mine during the period in which the management of such coal mine remained vested in the Central Government and the Central Government may make a claim to the Commissioner for such excess payment and such claim shall have priority over the claims of all other unsecured creditors

of the coal mine, including those referred to in sub-section (2) of section 22.

Explanation.—In this section, “Custodian” means the Custodian appointed under the Coal Mines (Taking Over of Management) Act, 1973.

17. In section 26 of the Coal Mines Act, after sub-section (5) and before the *Explanation*, the following sub-section shall be inserted, namely:—

“(6) Where the amount specified in the fifth column of the Schedule is relatable to a group of coal mines, the Commissioner shall have power to apportion such amount among the owners of such group and in making such apportionment, the Commissioner shall have regard to the highest annual production in the coal mine during the three years immediately preceding the appointed day.”.

18. Notwithstanding any judgment, decree, order or directions of any court,—

(a) every amount paid to the owner of every coking coal mine or group of coking coal mines (hereafter in this section referred to as the owner) under section 10 of the Coking Coal Act or under section 8 of the Coal Mines Act, shall be deemed to include, and deemed always to have included, the cost of stock or other assets referred to in clause (j) of section 3 of the Coking Coal Act or clause (h) of section 2 of the Coal Mines Act, on the date immediately before the appointed day as if the provisions of section 10 of the Coking Coal Act or, as the case may be, section 8 of the Coal Mines Act, as amended by this Ordinance had been in force at all material times, and no such payment shall be called in question in any court on the ground that it had not included the cost of such stock or other assets;

(b) every statement of accounts or supplementary statement of accounts prepared by the Central Government or the Government company under section 22 of the Coking Coal Act or under section 19 of the Coal Mines Act shall be deemed to have been validly prepared as if the provisions of section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act, as amended by this Ordinance had been in force at all material times, and no such statement of accounts or supplementary statement of accounts shall be called in question in any court on the ground that it had not been prepared in accordance with normal commercial practice or that any item has or has not been included in the statement,

and accordingly, no suit or other legal proceeding shall be maintained or continued in any court,—

(i) for the recovery of any sum on the ground that the amount paid to the owner under section 10 of the Coking Coal Act or under section 8 of the Coal Mines Act does not include the cost of stock or other assets referred to in clause (a); or

(ii) for the recovery of any sum as being the excess of realisations over expenditure on the ground that the statement of accounts

or supplementary statement of accounts required to be prepared under section 22 of the Coking Coal Act or, as the case may be, section 19 of the Coal Mines Act had not been prepared in accordance with the normal commercial practice or that any item has or has not been included.

Explanation.—In this section,—

(1) “appointed day” means,—

(a) in relation to the Coking Coal Act, the 1st day of May, 1972; and

(b) in relation to the Coal Mines Act, the 1st day of May, 1973;

(2) “realisations” and “liabilities” shall have the same meanings as in section 22 of the Coking Coal Act or section 19 of the Coal Mines Act, as the case may be.

ZAIL SINGH,
President.

S. RAMAIAH,
Secy. to the Govt. of India.